### FILED

### BEFORE THE BOARD OF OIL, GAS AND MINING DEPARTMENT OF NATURAL RESOURCES IN AND FOR THE STATE OF UTAH

CLERK SUPREME COURT, UTAH

DEC 7 1995

### ---000000---

CASTLE VALLEY SPECIAL SERVICE DISTRICT, NORTH EMERY WATER USERS ASSOCIATION, AND HUNTINGTON-CLEVELAND IRRIGATION COMPANY, PETITIONERS, V. BOARD OF OIL, GAS AND MINING, RESPONDENT.

### **INDEX OF RECORD**

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

### ---000000---

### **DOCUMENT NAME**

### **PAGE NUMBER**

1.	Petitioners' Appeal of Division Determination to Approve Significant	
	Revision to Permit to Allow Mining of Tank Seam by Co-op Mining	
	Company, Filed August 22, 1994	1
2.	Co-op's Response to Petitioner's Request for Agency Action, Filed	
	September 12, 1994	10
3.	Co-op's Motion for Discovery, Filed September 12, 1994	14
4.	Co-op's Interrogatory to Petitioners, Filed September 12, 1994	16
5.	Co-op's Motion for Enlargement of Time, Filed September 12, 1994	19
6.	Co-op's Designation of Exhibits, Filed September 12, 1994	21
7.	Notice of Hearing, Dated October 4, 1994	23
8.	Notice of Hearing Letter/Newspaper Agency, Dated October 4, 1994	25
9.	Notice of Hearing Letter/Sun Advocate, Dated October 4, 1994	26
10.	Amended Notice of Hearing, Dated October 6, 1994	27
11.	Amended Notice of Hearing Letter/Newspaper Agency, Dated	
	October 6, 1994	30
12.	Amended Notice of Hearing Letter/Sun Advocate, Dated October 6, 1994	31
13.	Proof of Publication/Sun Advocate, Dated October 6, 1994	32
14.	Order Approving Motion for Enlargement of Time, Dated October 7, 1994.	33
15.	Order Approving Motion for Discovery, Dated October 7, 1994	34
16.	Proof of Publication/Newspaper Agency, Dated October 7, 1994	36

### ---000000---

CASTLE VALLEY SPECIAL SERVICE DISTRICT, NORTH EMERY WATER USERS ASSOCIATION, AND HUNTINGTON-CLEVELAND IRRIGATION COMPANY, PETITIONERS, V. BOARD OF OIL, GAS AND MINING, RESPONDENT.

### **INDEX OF RECORD**

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

### ---000000---

DOCUMENT NAME		PAGE NUMBER	
17.	Proof of Publication/Newspaper Agency, Dated October 10, 1994	37	
18.	Proof of Publication/Sun Advocate, Dated October 11, 1994	38	
19.	Petitioners' Exhibit List, Filed October 11, 1994		
20.	Co-op's Motion to Exclude Evidence on Grounds of Collateral Estoppel,		
21.	Filed October 20, 1994		
	Grounds of Collateral Estoppel, Filed October 20, 1994		
22.	Co-op's Final Exhibit List, Filed October 20, 1994	51	
23.	Petitioners' Response to Co-op's Interrogatories to Petitioner, Filed		
	October 20, 1994		
24.	Petitioners' Supplemental Exhibit List, Filed October 21, 1994	58	
25	Petitioners' Exhibit 1/USGS Map of Area, Admitted October 25, 1994	61	
26.	Petitioners' Exhibit 2/Permit for Birch Spring from Bureau of Land		
	Management, Admitted October 25, 1994	62	
27.	Petitioners' Exhibit 3/Photograph of Spring Development, Birch Spring,		
	Admitted October 25, 1994	71	
28.	Petitioners' Exhibit 4/Photograph of Spring Development, Birch Spring,		
	Admitted October 25, 1994	72	
29.	Petitioners' Exhibit 5/Cost of Spring Development, Birch Spring, Admitt	ted.	
	October 25, 1994	73	

### ---000000---

CASTLE VALLEY SPECIAL
SERVICE DISTRICT, NORTH
EMERY WATER USERS
ASSOCIATION, AND HUNTINGTONCLEVELAND IRRIGATION
COMPANY, PETITIONERS, V.
BOARD OF OIL, GAS AND MINING,
RESPONDENT.

### INDEX OF RECORD

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

---000000----

DOCUMENT NAME		PAGE NUMBER	
20	Detitionane' Embilia (ICarlan' Management 1994		
30. 31.	Petitioners' Exhibit 6/Geologic Map, Admitted October 25, 1994	75 7-5	
32.	Petitioners' Exhibit 9/Geologic Section, Admitted October 25, 1994	76	
32.	Petitioners' Exhibit 10/Photograph and Charts of Impact of Mining on		
33.	Water, Bottom Half Only, Admitted October 25, 1994	77	
33.	Petitioners' Exhibit 11/Cross-section Charts on Mine Dewatering, Admitted	70	
34.	October 25, 1994	78	
JT.	Petitioners' Exhibit 13/Photograph Showing Mine Seepage, Admitted October 25, 1994	70	
35.	October 25, 1994	79	
55.	Petitioners' Exhibit 14/Photograph, Close-up of Mine Seepage, Admitted October 25, 1994	80	
36.	Petitioners' Exhibit 18/Big Bear Spring Water Quality Data, Admitted	80	
50.	October 25, 1994	81	
37.	Co-op's Exhibit E/Geology and Structure Map, Admitted October 25, 1994.	85	
38.	Transcript of Hearing Held October 25, 1994	86	
39.	Petitioners' Memorandum in Opposition to Co-op's Motion to Exclude	80	
	Evidence, Filed October 25, 1994	384	
40.	Co-op's Exhibit A/July 21, 1994, Significant Permit Revision	304	
	Approval, Admitted November 17, 1994	389	
41.	Co-op's Exhibit C/April 30, 1993, Probable Hydrologic	307	
	Consequences of Mining at Bear Canyon Mine. Emery County. Utah.		

### ---000000---

CASTLE VALLEY SPECIAL
SERVICE DISTRICT, NORTH
EMERY WATER USERS
ASSOCIATION, AND HUNTINGTONCLEVELAND IRRIGATION
COMPANY, PETITIONERS, V.
BOARD OF OIL, GAS AND MINING,
RESPONDENT.

### **INDEX OF RECORD**

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

---000000---

DOCUMENT NAME		PAGE NUMBER	
	Admitted November 17, 1994		390
42.	Co-op's Exhibit D/April 26, 1994, Revised Hydrogeologic		
	Evaluation of the Bear Canyon Mine Permit and Proposed Expansion .	• • •	
	Areas, Admitted November 17, 1994		461
43.	Transcript of Hearing Held November 17, 1994		534
44.	Letter to Mark Hansen from Jan Brown, Dated December 12, 1994		726
<b>45</b> .	Letter to Carl E. Kingston from Jan Brown, Dated December 12, 1994		727
<b>46</b> .	Letter to Craig Smith from Jan Brown, Dated December 12, 1994		728
47.	Letter to Jeffrey Appel from Jan Brown, Dated December 12, 1994		729
48.	Letter to Thomas A. Mitchell from Jan Brown, Dated December 12, 199		730
49.	Cover Letter from Law Offices of Appel and Mattsson, Dated		
	December 19, 1994		731
50.	Post Hearing Memorandum of North Emery Water Users		
	Association and Huntington Cleveland Irrigation Company, Filed		
	December 19, 1994		732
51.	Co-op's Closing Argument, Filed December 19, 1994		746
52.	Post-Hearing Brief of Division of Oil, Gas and Mining, Filed		
	December 19, 1994		759
53.	Post-Hearing Memorandum of Castle Valley Special Service District, .		
	Filed December 20, 1994		774

### ---000000----

CASTLE VALLEY SPECIAL
SERVICE DISTRICT, NORTH
EMERY WATER USERS
ASSOCIATION, AND HUNTINGTONCLEVELAND IRRIGATION
COMPANY, PETITIONERS, V.
BOARD OF OIL, GAS AND MINING,
RESPONDENT.

### **INDEX OF RECORD**

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

---000000---

#### **DOCUMENT NAME PAGE NUMBER** 54. Memorandum from Jan Brown to Board of Oil, Gas and Mining, Dated . . . 784 55. Letter from J. Craig Smith to David Lauriski, Dated February 21, 1995 . . . 785 Letter from Law Offices of Collard, Appel & Warlaumont, L.C., Dated . . 56. 786 57. Notice of Name Change for Castle Valley Special Service District's . . . . . 787 58. 789 59. Castle Valley Special Service District's Request for Re-Hearing and . . . . . Modification of Order Dated June 13, 1995, by Utah Board of Oil, Gas . . . and Mining, Filed July 10, 1995 ................... 813 Co-op's Opposition to Request for Rehearing and Modification of Order, ... 60. 820 61. Cover Letter from Law Office of Collard, Appel & Warlaumont, L.C., . . . 825 62. CVSSD, NEWUA and HCIC'S Reply to Co-op's Opposition to . . . . . . . Request for Re-Hearing and Modification of Order, Filed July 27, 1995 . . . 826 63. Notice of Hearing Letter/Sun Advocate, Dated August 2, 1995 ...... 831 64. Notice of Hearing Letter/Newspaper Agency, Dated August 2, 1995 . . . . . 832 65. Notice of Hearing, Dated August 2, 1995 ......... 833

### ---000000---

CASTLE VALLEY SPECIAL
SERVICE DISTRICT, NORTH
EMERY WATER USERS
ASSOCIATION, AND HUNTINGTONCLEVELAND IRRIGATION
COMPANY, PETITIONERS, V.
BOARD OF OIL, GAS AND MINING,
RESPONDENT.

### **INDEX OF RECORD**

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

---000000---

#### **DOCUMENT NAME PAGE NUMBER** 66. Proof of Publication/Newspaper Agency, Dated August 5, 1995 . . . . . . . . 836 67. Proof of Publication/Sun Advocate, Dated August 8, 1995 . . . . . . . . . . . 837 Proof of Publication/Emery County Progress, Dated August 8, 1995 . . . . . 68. 838 Petitioners' Request to Continue Hearing, Filed August 10, 1995 . . . . . . . 69. 839 DOGM'S Opposition to Request for Rehearing and Modification of . . . . . . 70. Order, Filed August 11, 1995 ...... 842 71. Order Granting Request to Continue Hearing, Dated August 16, 1995 . . . . 846 Transcript of Hearing Held September 27, 1995 ...... 72. 848 73. Letter to Jan Brown from Patrick J. O'Hara, Dated October 10, 1995 . . . . 875 74. Order Denying Request to Re-Hear and to Modify the Order Dated . . . . . 876 75. Letter from Patrick J. O'Hara, Dated November 2, 1995 . . . . . . . . . . . 879 Joint Petition for Writ of Review Filed with the Supreme Court of Utah . . . 76. 881 77. Cover Letter from Supreme Court of Utah, Dated November 15, 1995 . . . . 884 78. Signed Writ of Review, Dated November 15, 1995 ....... 885 79. Cover Letter to Supreme Court of Utah, Dated November 16, 1995 . . . . . 886 Petitioners' Ex Parte Motion to Enlarge Time to Utah Supreme Court, . . . . 80. 887 81. Petitioners' Proposed Ex Parte Order to Enlarge Time to Utah Supreme . . .

---000000---

CASTLE VALLEY SPECIAL
SERVICE DISTRICT, NORTH
EMERY WATER USERS
ASSOCIATION, AND HUNTINGTONCLEVELAND IRRIGATION
COMPANY, PETITIONERS, V.
BOARD OF OIL, GAS AND MINING,
RESPONDENT.

**INDEX OF RECORD** 

DOCKET NO. 94-027 CAUSE NO. ACT/015/025-93B SUPREME COURT NO. 950487

---000000----

### **DOCUMENT NAME**

**PAGE NUMBER**